

ORDINANCE NO. 2008 -044

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING ORDINANCE 2005-035, WHICH AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; BY AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR PRIVATELY INITIATED AMENDMENT SIMON II/'B' ROAD-NW (lga 2005-00014), MODIFYING PAGE 61 OF THE FLUA BY CHANGING THE FUTURE LAND, GENERALLY LOCATED ON THE NORTH SIDE OF SOUTHERN BOULEVARD BETWEEN 'A' ROAD AND 'B' RAD, FROM RURAL RESIDENTIAL 1 UNIT PER 10 ACRES (RR-10) TO RURAL RESIDENTIAL, 1 UNIT PER 2.5 ACRES PLANNED DEVELOPMENT (RR 2.5 PD), SUBJECT TO CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County adopted an amendment to the Comprehensive Plan on August 22, 2005, in Ordinance No. 2005-035; and

**WHEREAS**, the Department of Community Affairs issued a statement of intent to find the Comprehensive Plan amendment in Ordinance 2005-035 Not in Compliance on October 31, 2005 ; and

**WHEREAS**, The Department of Community Affairs filed a Petition on November 15, 2005, for an administrative hearing on its allegations that Ordinance 2005-035 did not comply with state statute and administrative rule; and

**WHEREAS**, several parties intervened in the administrative challenge, both in opposition and in support of the Plan Amendment; and

**WHEREAS**, Palm Beach County has attempted to mediate with the Department of Community Affairs and the other intervenors to resolve the allegations set forth in the Petitions; and

**WHEREAS**, the applicant for the Plan Amendment has advised the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, that he wishes to withdraw his application for the Plan Amendment; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, has determined that the Plan Amendment, as adopted in Ordinance 2005-035, no longer represents the planning goals for the specific site;

WHEREAS, this Ordinance repeals Ordinance No. 2005-035, as adopted on August 22, 2005, that amended Palm Beach County's Comprehensive Plan; but never became effective, as a result of the pending administrative challenge;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Repeal of Ordinance 2005-035

Ordinance 2005-035 is hereby repealed.


APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 21st day of October, 2008.

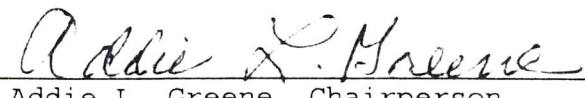
ATTEST:

SHARON R. BOCK, CLERK  
& COMPTROLLER

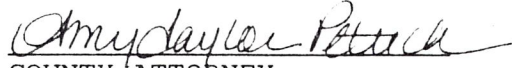
PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

By:

  
Deputy Clerk

  
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
COUNTY ATTORNEY

Filed with the Department of State on the 27th day of  
October, 2008.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on OCT 21 2008

dated at West Palm Beach, FL on 11-04-2008

By   
Deputy Clerk

